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NOTE

There are three Extraordinary issues to the Official Gazette, Series I No. 51 dated 17-3-2011 as follows:—

- (1) Extraordinary dated 21-3-2011 from pages 2001 to 2002 regarding the Goa Town and Country Planning (Amendment) Act, 2011 — Not. No. 7/3/2011-LA from Department of Law & Judiciary (Legal Affairs Division).
- (2) Extraordinary (No. 2) dated 22-3-2011 from pages 2003 to 2004 regarding Addendum to Gomant Bal Rath Scheme—Not. No. DSW/STAT/GBR/2010-11/6985 from Directorate of Social Welfare.
- (3) Extraordinary (No. 3) dated 22-3-2011 from pages 2005 to 2006 regarding the Goa Appropriation (No. 2) Act, 2011—Not. No. 7/4/2011-LA from Department of Law & Judiciary (Legal Affairs Division).

INDEX

| Department | Notification/Order/Bill | Subject | Pages |
|--|-------------------------------------|--|-------|
| 1. Education, Art & Culture Dte. of Higher Education Under Secretary | Ord.- 3/27/02-03/Accts/ /DHE/606 | Revival of posts.— Directorate of Higher Education. | 2007 |
| 2. a. Finance P P P Cell Addl. Secretary & Director | Not.- 1/38/2010/PPP Cell | Schemes for Support to Public Private Partnerships in Infrastructure—Goa Infrastructure Project Development Fund 2010 & Viability Gap Funding (VGF). | 2008 |
| b. Debt. Mang. Division Addl. Secretary (DMU) | Not.- 2/5/2010-Fin (DMU)/413 | Motor Car Advance to State Government Employees through Bank of India. | 2023 |
| 3. Goa Legis. Secretariat | Bill- LA/LEGN/2011/4395 | The Goa Appropriation (Vote on Account) Bill, 2011. | 2023 |
| 4. a. Law & Judiciary Legal Affairs Division Under Secretary | Not.- 10/1/2009-LA/34 | The Jharkhand Contingency Fund (Amendment) Act, 2009. | 2027 |
| b. —do— | Not.- 10/1/2009-LA/43 | The National Rural Employment Guarantee (Amendment) Act, 2009. | 2027 |
| c. —do— | Not.- 10/1/2009-LA/33 | The Essential Commodities (Amendment and Validation) Act, 2009. | 2028 |
| d. —do— | Not.- 10/1/2009-LA/36 | The Competition (Amendment) Act, 2009. | 2031 |
| 5. a. Personnel Joint Secretary | Not.- 1/6/74-PER (Vol. IV) | Amendment to Recruitment Rules, 2011 of Directorate of Industries, Trade & Commerce. | 2032 |
| b. —do— | Not.- 1/15/85-PER | Amendment to Recruitment Rules, 2011 of Directorate of Tourism. | 2033 |
| 6. a. Revenue Under Secretary | Not.- 19-1-2010/RD(1426115) | Establishment of the State Disaster Response Fund. | 2033 |
| b. —do— | Not.- 22/21/2008-RD | Approved land value for Tenanted Land. | 2033 |

GOVERNMENT OF GOA**Department of Education, Art & Culture**

Directorate of Higher Education

Order

3/27/02-03/Accts/DHE/606

Sanction of the Government of Goa is hereby accorded for revival of the following posts in

the scale of pay shown against each post in the Directorate of Higher Education Panaji, with immediate effect:—

| Sr. No. | Designation of the post | Pay Scale | No. of post recommended by ARD |
|---------|-------------------------|------------------------|--------------------------------|
| 1. | Sr. Stenographer | Rs. 9300-34800+GP 4200 | 1 |
| 2. | Head Clerk | Rs. 9300-34800+GP 4200 | 1 |
| 3. | Auditor | Rs. 5200-20200+GP 2800 | 2 |
| 4. | UDC | Rs. 5200-20200+GP 2400 | 5 |
| 5. | Driver (LMV) | Rs. 5200-20200+GP 1900 | 1 |

This has approval of the Administrative Reforms Department vide their U. O. No. 2045/F dated 28-12-2010 and Finance Department U. O. No. 1432507 dated 4-2-2011.

By order and in the name of the Governor of Goa.

N. P. Singnapurker, Under Secretary (Higher Education).

Panaji, 16th March, 2011.



Department of Finance

Public Private Partnership Cell

Notification

1/38/2010/PPP Cell

Government of Goa is pleased to announce the following Scheme and is hereby published for general information of public. The Scheme shall come into force with the date of publication in the Official Gazette.

By order and in the name of the Governor of Goa.

Anupam Kishore, Additional Secretary (DMU) & Director (PPP).

Porvorim, 15th March, 2011.

Scheme for Support to Public Private Partnership in Infrastructure—Goa Infrastructure Project Development Fund 2010

Preamble

With the Goan economy now recording a growth rate of over 12.9%, it is estimated that Rs. 2,500.00 crore (at 2005-06 prices) or US \$60 billion, would be required for investment in the infrastructure sectors during the next 5 years. A significant share of this investment is expected from the private sector. Public Private Partnerships (PPPs) present the most suitable option of meeting these targets, not only in attracting private capital in creation of

infrastructure but also in enhancing the standards of delivery of services through greater efficiency.

Government of Goa has introduced several innovative Schemes aimed at promoting PPPs. Whereas to attract the private sector, commercially viable projects should be on offer and to inculcate the discipline of 'user pay principle' and provision of these services should be based on payment of tariff, Government must also fulfill its commitment towards inclusive growth which makes it obligatory to fix the tariffs based on the capacity of the common man to pay. Due diligence is also essential given the substantial contingent liability that could devolve on the State in such projects.

While encouraging PPPs, six constraints have been identified:

(i) Policy and regulatory gaps, specially relating to specific sector policies and regulations;

(ii) Inadequate availability of long term finance (10 year plus tenor) – both equity and debt;

(iii) Inadequate capacity in public institutions and public officials to manage PPP processes;

(iv) Inadequate capacity in the private sector – both in the form of developer/ investor and technical manpower; and

(v) Inadequate shelf of bankable infrastructure projects that can be bid out to the private sector.

(vi) Inadequate advocacy to create greater acceptance of PPPs by the public.

To address these constraints, several initiatives have been taken by Government of Goa to create an enabling framework for PPPs by addressing issues relating to policy and regulatory environment. Progressively more sectors have been opened to private and

foreign investment, levy of user charges is being promoted, regulatory institutions are being set up and strengthened, fiscal incentives are given to infrastructure projects, standardised contractual documents including the Model Concession Agreement are being notified, approval mechanism for PPPs in the State has been streamlined through setting up of PPPAC.

To address the financing needs of these projects, various steps have been taken like launching of a Scheme to meet Viability Gap Funding (VGF) of PPP projects.

The opportunities for private investment in infrastructure projects are immense. As the reach of PPP increases across the sectors, the capacity of the private sector to manage these projects over their entire life cycle of 20 to 30 years would also have to be enhanced. The time is ripe for the foreign strategic investors to begin to taking greater interest in project development and management activity in Goa.

The overall response to promote PPPs as the preferred mode for the execution of infrastructure projects, despite apparent benefits to the State has not yielded satisfactory results.

Lack of credible projects on offer to private investors has been identified as one of the major constraints in promoting PPPs. Therefore, a more aggressive approach is needed for preparing a pipeline of credible, bankable projects that can be offered to the private sector through competitive bidding process.

To speed up the process, a panel of consultants has been shortlisted by Ministry of Finance, Government of India, which would be available to all Departments of the State Government. The panel has been created through competitive bid and technical short-listing. The sponsoring authority would be able to select any of the consultants from this panel through a limited financial bid without having to go through the lengthy and more complex

technical bid for small and medium sized projects.

While quality advisory services are fundamental to procuring affordable, value-for-money PPPs, the costs of procuring PPPs, and particularly the costs of transaction advisors are significant. For providing financial support for quality project development activities to Government Departments, a corpus fund titled 'Goa Infrastructure Project Development Fund' (GIPDF), with initial contribution of Rs. 50 crore is being setup. Although it is envisaged as a revolving fund and would get replenished by the reimbursement of 'investment' through success fee earned from successfully bid projects, should there be a need, it can be supplemented in subsequent years through budget support. The GIPDF would assist ordinarily up to 75% of the project development expenses. The assistance from GIPDF would ordinarily be in the form of grant. On successful completion of the bidding process, the project development expenditure would be recovered from the successful bidder.

The GIPDF's primary objective would be to fund potential PPP projects' project development expenses including costs of engaging consultants and transaction advisor, thus increasing the quality and quantity of successful PPPs and allowing informed decision making by the Government based on good quality feasibility reports. The GIPDF will assist projects that closely support the best practices in PPP project identification and preparation as set out in guidance to be issued by the Finance Department from time to time.

These Guidelines:

- provide an overview of the GIPDF and its role in promoting sustainable PPPs for provision of infrastructure and related services by the public sector in the Goan context.
- discuss the operational and financial management of the GIPDF.

Acronyms and definitions

The following acronyms and definitions apply to this governance document:

| | | | |
|------------------------------------|--|------------------------------|---|
| FD | Finance Department, Government of Goa. | Project Development Expenses | The expenses incurred by the Sponsoring Authority in respect of development of each Project as per the budget approved by the Empowered Institution. |
| EI | Empowered Institution as notified vide FD's Notification dated Eligible sectors Sectors that are eligible for Viability Gap Funding (VGF) under the Government of Goa's Scheme for Financial Support to PPPs in Infrastructure. | Sponsoring Authority(ies) | Central Government Ministries/ Departments, State Governments, Municipal or Local Bodies, Public Sector Undertakings or any other statutory authority (such as the Delhi Development Authority). |
| GOG | Government of Goa. | Technical Close | The stage of execution of concession agreement, between the private sector developer and the Sponsoring Authority or its agencies, subsequent to selection of the private sector developer through a bidding process. |
| GIPDF | Goa Infrastructure Project Development Fund. | Transaction Advisors | Consultants hired through a transparent system of procurement by the sponsoring authorities to assist them in designing the project and/or providing technical, financial and legal input for the project design, and providing advice for the management of the process of procuring the private sector partner for the PPP project. These include Transaction Advisers selected from the panel of Transaction Advisers announced by FD from time to time. |
| Memorandum for Consideration (MFC) | The format in which information will be provided by the Sponsoring Authority while applying for assistance under GIPDF. | VGF | Viability gap funding under the Government of Goa's Scheme for Financial Support to PPPs in Infrastructure. |
| Public Private Partnership (PPP) | Partnership between a public sector entity (Sponsoring authority) and a private sector entity (a legal entity in which 51% or more of equity is with the private partner/s) for the creation and/or management of infrastructure for public purpose for a specified period of time (concession period) on commercial terms and in which the private partner has been procured through a transparent and open procurement system. | | |
| Project | A project in any of the infrastructure sectors identified by the Empowered Institution for the purpose of this Scheme. | | |

1. The GIPDF and its Role

(i) *Background of the GIPDF.*—

1.1 The Chief Minister in the Budget Speech for 2010-11 announced in the Legislative Assembly the setting up of a Revolving Fund with a corpus of Rs. 50 crore to quicken the process of project preparation. Accordingly the corpus fund titled “Goa Infrastructure Project Development Fund” (GIPDF) has been created in Finance Department, Government of Goa with an initial corpus of Rs. 50 crore for supporting the development of credible and bankable Public Private Partnership (PPP) projects that can be offered to the private sector. The GIPDF has been created with initial budgetary outlay by the Finance Department, Government of Goa.

(ii) *The purpose of the GIPDF.*—

1.2 The procurement costs of PPPs, and particularly the costs of transaction advisors, are significant and often pose a burden on the budget of the Sponsoring Authority. Finance Department (FD) has identified the GIPDF as a mechanism through which Sponsoring Authority will be able to source funding to cover a portion of the PPP transaction costs, thereby reducing the impact of costs related to procurement on their budgets. From the Government of Goa's perspective, the GIPDF must increase the quality and quantity of 'bankable projects' that are processed through the Central or States' project pipeline.

1.3 The GIPDF will be available to the Sponsoring Authorities for PPP projects for the purpose of meeting the project development costs which may include the expenses incurred by the Sponsoring Authority in respect of feasibility studies, environment impact studies, financial structuring, legal reviews and development of project documentation, including concession agreement, commercial assessment studies (including traffic studies, demand assessment, capacity to pay assessment), grading of projects etc. required for achieving Technical Close of such projects, on individual or turnkey

basis, but would not include expenses incurred by the Sponsoring Authority on its own staff.

1.4 The GIPDF will be available to finance an appropriate portion of the cost of consultants and transaction advisors on a PPP project where such consultants and transaction advisors are appointed by the Sponsoring Authority either from amongst the transaction advisers empanelled by Finance Department or through a transparent system of procurement under a contract for services.

1.5 To seek financial assistance from the GIPDF it would be necessary for the Sponsoring Authority to create and empower a PPP Cell to not only undertake PPP project development activities but also address larger policy and regulatory issues to enlarge the number of PPP projects in Sponsoring Authorities' shelf.

1.6 The GIPDF is not a source of grant funding for the Sponsoring Authorities. The Fund will assist ordinarily upto 75% of the project development expenses to the Sponsoring Authority. On successful completion of the bidding process, the project development expenditure would be recovered from the successful bidder. However, in case of failure of the bid, the assistance would not be recovered. The Sponsoring Authority would be liable to refund the amount of assistance received, in case it does not conclude the bidding process for some reason or does not contract out the project after the bid process has been completed.

1.7 As commitment by the Sponsoring Authority to the procurement and ownership of the project is an essential requirement for a project's success, assistance under GIPDF funding will require co-funding by the Sponsoring Authority generally to the extent of 25% of the total project development cost, which would include the cost of prefeasibility study to determine whether a project is amenable to PPP. The assistance from the GIPDF would ordinarily be released after the share of the Sponsoring Authority has been

released. Only in exceptional circumstances, the Empowered Institution (EI) may relax this condition of co-funding by the Sponsoring Authority. This has the following implications. First, the Sponsoring Authorities will have to commit funding to the feasibility study for preparing the Memorandum for Consideration (MFC). Second, the GIPDF will not pre-empt the decision of the feasibility study on whether a PPP is appropriate or not.

(iii) *GIPDF funding sources.*—

1.8 The corpus of the GIPDF shall comprise of initial budgetary outlay of Rs. 50 crores by the Finance Department, Government of Goa. This would be supplemented, should it become necessary, through budgetary support by the Finance Department from time to time.

1.9 As the GIPDF matures, funding from the multilateral and bilateral agencies could become available. Other interested agency(ies), as approved by FD, including the bilateral agencies, will be permitted to join the GIPDF subject to extant Government instructions on the subject. Contributions from entities that may have a conflict of interest in the decision making of the GIPDF shall not be approved. The minimum amount of contribution from any such agency shall be Rs. 5 crores and the contribution(s) shall be governed by the terms and conditions of these Guidelines. This threshold limit can be reviewed by the EI from time to time, with the approval of the Finance Minister. The financial management system will be set up to allow for specific funding and reporting requirements of potential donors. Thus, donors agencies will also be able to fund projects in specific sectors with financial management and reporting that complies with the requirements of these Guidelines, with the prior approval of the FD. A representative of the donor agency may be invited as special invitee to the meetings of the EI.

1.10 Within the validity of the GIPDF, the fund will include any or all accretions to the

GIPDF. If it is decided by the Government to close the GIPDF at any time in the future, the balance on that date will be distributed among the contributors in the same proportion as the original contributions made by them.

(iv) *The GIPDF's organisational structure.*—

1.11 The GIPDF will be administered by the Empowered Institution. The composition of the Empowered Institution will be as under:

- | | | |
|---|---|---------------------|
| a. Chief Secretary | - | Chairperson |
| b. Secretary (Finance) | - | Member |
| c. Director (Planning) | - | Member |
| d. Secretary of the concerned Department | - | Member |
| e. Director (PPP) | - | Member Secretary |

1.12 The Empowered Institution will:

- Select projects for which project development costs will be funded.
- Set the terms and conditions under which the funding will be provided and recovered.
- Set milestones for disbursing and recovering (where appropriate) the funding.

1.13 The Public Private Partnership Cell of the Finance Department, Government of Goa will provide support functions to the Empowered Institution to examine the applications received for assistance under GIPDF.

1.14 In due course, as the GIPDF matures, a suitable autonomous legal structure could be considered by the Government for the management of the GIPDF.

(v) *Disbursements by the GIPDF.*—

1.15 Disbursements by the GIPDF will be made in installments based on milestones

achieved. These milestones will be those set out in the MFC and approved by the EI.

2. Operational Management

i. Funding from GIPDF.—

2.1 To seek project development funding from the GIPDF, the Sponsoring Authority will apply to the PPP Cell in FD through the Memorandum for Consideration (Annexure-B). Funding by the GIPDF will be considered only if the following requirements are met:

(1) The funding is used on a single project, which is approved by the Empowered Institution.

(2) Funding is required for the payment of transaction advisors appointed by the Sponsoring Authority, usually in a two-phase appointment: the first phase is the preparation of the pre-feasibility study and its subsequent approval by the EI, and the second phase is the procurement of the PPP in compliance with these Guidelines.

(3) The funding by GIPDF will be used for phase two funding of transaction advisors, that is, after EI's approval for the MFC, based on the pre-feasibility study, and where the transaction advisors are paid according to fixed milestone deliverables.

(4) In order to achieve the aforesaid objectives, PPP Cell will, *inter alia*, screen identified proposals for conducting detailed feasibility studies. For this purpose, the Sponsoring Authority shall prepare a MFC with respect to each such proposal. The MFC would provide justification for undertaking detailed feasibility studies to be taken up for financing out of the corpus of the Fund in the prescribed proforma.

(5) The MFC shall contain the financial details of the project. Ordinarily, three types of projects can be posed for funding under the GIPDF:

(i) Revenue Generating Commercial Projects (Concession/BOOT or its variants/Lease contracts): A project FIRR of 20% or more on the private sector investment should be demonstrated. If the FIRR is below 20% even with VGF of up to 40% (maximum of 20% from VGF Scheme of GOG and 20% from the Sponsoring Authority) then the Project shall not ordinarily be presented before the EI.

(ii) Efficiency Enhancement/Cost Savings Projects (Management or Service contracts or Engineering, Performance based O & M contracts): Where there is no or low private sector investment, the financial savings/enhanced revenues should ordinarily be able to recover payouts by Government within eight to ten years of completion of the project. Annuity based project would also be covered under this category.

(iii) Non-revenue generating projects with high economic returns (e.g. Sewerage System): In case of project undertaken in PPP formats based on Economic Returns considerations, the project eligibility will be based on sector preferences to be established by the EI and would be based on annuity payments by the sponsoring authority.

(6) The MFC shall further state the cost likely to be incurred, the duration over which the same is to be incurred and how the same is perceived to be recovered by the sponsoring authority.

(7) Proposals that do not envisage VGF can also be submitted for funding.

(8) Proposals for funding under these Guidelines would cover the entire gamut of PPP projects, i.e. BOT (Toll), BOT (Annuity), long term management contracts etc. The decision of the Empowered Institution about the eligibility of a project shall be final.

2.2 The GIPDF will provide financial assistance once an application by the Sponsoring Authorities has been approved by the EI and conditions as precedent to funding have been fulfilled.

ii. *Evaluation Procedures and Timeframe.*—

2.3 Applications received by 10th day of a month shall be considered and decided in the meeting of the EI in the first week of the succeeding month.

2.4 The possible decisions are: unconditional funding approval, approval subject to certain conditions or no funding (the conditions may also include confirmation of project details before a commitment of funding, and an assessment of the affordability and value-for-money implications of recovering procurement costs as a success fee from the project).

2.5 An agreement including all funding conditions will be signed by the authorized signatories from FD and the Sponsoring Authority. The assistance from the GIPDF will be released to the Sponsoring Authority in accordance with the signed funding agreement.

2.6 The evaluation of the application would be based on the following:

(i) *The Sponsoring Authority:*

- Does the Sponsoring Authority have available funds (on budget and from donor sources) for use in project procurement and has the sponsoring authority included project procurement in its budget?
- Has the sponsoring authority procured a PPP or similar project (successfully or unsuccessfully) recently?
- Are the strategic goals of the Sponsoring Authority achieved by the project (in other words, does the project result in creation of a 'public asset')?

- Has the Sponsoring Authority made a counterpart funding commitment to the project procurement and transaction advisor costs?

(ii) *The sector:*

- Is the proposed PPP in an eligible sector?
- Is the proposal fully in compliance with the definition of PPP?
- Is the project reflected in the Sponsoring Authorities planning framework?
- What is the history of PPP procurement of similar projects in the sector?

(iii) *The project:*

- Has the project been properly defined and ring fenced?
- Has the transaction advisor been selected in accordance with the provisions of these Guidelines?
- Are the milestones for transaction advisor payment such that the project is at risk of not reaching technical closure?
- Are the transaction advisor costs proportional to project value? (Sector specific)
- What is the ability for the project to:
 - (a) Generate private sector capital investment?
 - (b) Generate system improvements in non-capital investment projects?
 - (c) What are the service delivery outcomes and improvements on the current outcomes expected from the project?
 - (d) What capacity and appetite is there in the private sector for it to participate in the project?

- (e) What is the project procurement history and does this reflect adequate commitment to the project on the part of the sponsoring authority?

(iv) *Funding:*

- Has a cash flow been submitted and verified by the PPP cell of the sponsoring authority?
- Has the project profile been established and is likely to be accepted by all the stakeholders?

2.7 In case the project has been graded by one of the recognized Credit Rating Agencies, the evaluation would be taken as one of the tools of assessment.

2.8 In all cases, the decision to fund or not fund the project will be at the discretion of the Empowered Institution.

iii. *Monitoring.*—

2.9 The Sponsoring Authority shall be responsible for regular monitoring of the project development and compliance with the milestones as approved by the Empowered Institution.

iv. *Recovery of Project Development Funding with Returns.*—

2.10 Project development funding, ordinarily, will be an interest free financial assistance to meet the project development expenses. This is expected to be recovered from the successful private sector partner on award of the project. The Sponsoring Authority will reimburse the GIPDF, the project development expenses alongwith a fee up to 40% of the funding as provided below. The Sponsoring Authority must provide a plan for the same.

- (i) Revenue Generating Commercial Projects (Concession/BOOT or its variants/Lease contracts): In case of revenue generating projects proposed to be

implemented through private sector investments, the MFC must include a plan for recovery of the GIPDF amount.

(ii) Efficiency Enhancement/Cost Savings Projects (Management or Service contracts or Engineering, Procurement and Construction (EPC) contracts with limited period performance based O & M contracts): Where there is no or low private sector investment, the plan for recovery of project development expenses will be with a success fee of 25%.

(iii) Non-revenue generating projects with high economic returns (e.g. Sewerage System): In case of project undertaken in PPP formats based on Economic Returns considerations, project development funding may be considered merely as financial assistance to the project in form of grant.

v. *Risk management.*—

2.11 In order to fulfill its mandate of the GIPDF, the selection of projects is the most important risk mitigation measure. The GIPDF is not intended to recover all disbursed funds; in fact, a non-recovery rate of 25 per cent of the funds disbursed is assumed. This allows the GIPDF to also fund projects that are innovative either in terms of sector or service provided at State or local level.

ANNEXURE A

**Memorandum for Consideration (MFC)
(Under Guidelines for GIPDF)**

1. Introduction

The MFC is an application to be made by the Sponsoring Authority to seek project development funding from the Goa Infrastructure Project Development Fund set up by the PPP Cell, Government of Goa. The information sought in the MFC and the rationale is given below. Annexure B includes an Application Form to be completed for the MFC and Annexure C provides a typical Table of Contents for the Preliminary Report to accompany the MFC.

2. Project Proposal

The Sponsoring Authority, with the aid of the PPP Cell or otherwise, will highlight the broad contours of the project and issues related to its implementation framework in the proposed PPP option. The proposed project development activities, budget and time lines will form a part of the report.

(a) *Technical Information*: The technical information will include the need for the project, the components, their preliminary capacity/sizing and block cost estimates for investment sought through PPP options. In case of PPP options like Service, Management or Lease Contracts, the investment required for rehabilitation or efficiency improvement measures need to be stated, the absence of which will hinder structuring performance based contracts.

(b) *Environmental and Social Aspects*: On one hand, the information must list the applicable steps required to obtain environmental clearance under the Environmental Rules and Regulations issued by competent authority from time to time. On other hand, the information should also bring out if there are any environmental or social risks that can impact/ /delay/hinder the project deliverables from considerations of efficient use of assets created under a PPP framework. This should be addressed from an investment risk perspective.

(c) *Financial Analysis*: Financial analysis of the investment proposed for the landed cost of the project (see definitions given in the guidelines, the project cost to include cost of project development funding and returns thereon) must highlight the sources of investment, drawdown period, the revenues over the project contract period (due to tariffs for services and/or due to savings arising out of efficiency gains) and Internal Rate of Return (IRR) on Economic/ /Project/Equity IRR considerations. In case of non-revenue generating projects, the Economic IRR must be mentioned.

(d) *Legal Aspects*: This must bring out the provisions under the relevant Acts/Rules that grant authority to the Sponsoring Agency for developing and implementing the project under the proposed PPP option and the proposed decision-making steps to award the PPP contract. The objective is to ensure that the Sponsoring Authority by itself or through an identified Competent Authority has the necessary

authority to approve the proposed project development and implementation framework. In case of any need to amend the legal framework, the same must be mentioned.

(e) *Risk Identification*: A preliminary assessment of the project risks during different phases of the project-development, construction and implementation – must be summarized. This will form the basis for structuring possible mitigation measures/structures in detail during project development, hence an indicative summary is considered adequate at the preliminary stage. This is to ensure that the cost of capital/investment sought from the private sector investor is minimal and based on informed risk mitigation structures rather than perceived risks with mitigation measures not mentioned.

(f) *Proposed PPP Implementation Structure*: Typically, the intent of systematic project development with funding support is to seek private sector investment and management skills so that the Sponsoring Authority can structure performance based service delivery, while allowing the private sector to recover the investment with appropriate returns. In case of greenfield projects, options such as Build, Own, Operate & Transfer (BOOT), BOT and its variants or Concession or Lease Contracts are possible. However, in case of existing projects, where significant rehabilitation or replacement of assets is necessary for asset performance improvement, Management or Service Contracts (that bring in private sector efficiency and management skills with investment mostly by the public sector) may be the first step towards establishing efficient asset base and operational systems for the project assets for subsequently enabling larger investments through BOOT type contracts. Hence, the financiability of the proposed PPP option must be highlighted.

(g) *Regulatory Aspects*: The preliminary report accompanying the MFC must mention the existing regulatory mechanism, as applicable, in case tariffs are to be structured in the PPP options. In the absence of regulatory mechanism, proposed steps for regulation by contract must be indicated.

(h) *Project Development Cycle*: The information will include the proposed project development activities and time lines starting from the appointment of consultants and advisors culminating in the selection of the private sector partner through a transparent and competitive procurement process. The role of different government agencies, role of consultants and advisors should be briefly included.

3. Budget for Project Development

The budget for project development should include an estimate of:

- Surveys and investigation expenses.
- Consultant fees covering technical, environmental & social, legal, financial studies and project documentation, as may be needed.
- Fee for grading of projects, if any.
- Transaction advisor fees.
- Consultant fees covering risk assessment/identification.
- Out of pocket expenses for procurement process documentation, advertising, marketing road shows/ investor meetings , etc.
- It would not include expenses incurred by the Sponsoring Authority on its own staff , etc.

4. Duration of Funding and Drawdown Requirements

An indicative quarterly budget with milestone-linked payments for each project activity should be indicated.

5. Plan for Recovery of Project Development Funding with Returns should be indicated.

ANNEXURE B

MFC Application Form

| | | |
|--|---|--|
| Nature of Assistance | : | Project Development Funding for Rs. _____ Is Viability Gap Fund (VGF) also sought separately? Yes/No |
| Project Name | : | |
| Sector | : | |
| Sponsoring Authority | : | |
| Location/(State/District/Town) | : | |
| Implementing agency (if different from above as in case of SPV) | : | |
| Need for the Project: | : | |
| Brief Project Description: | : | |
| PPP structure for Project Implementation | : | BOOT/BOT (its variants)/Concession/Lease Management/Service/EPC alongwith Performance based O&M Contract |
| Project Implementation Milestones | : | List key milestones |

| Likely impact(s) of the project | : | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|-----------|--|--------|-----------|-----------------------------------|--|-------------------|--|----------------------|--|----------------------|--|---------------------|--|-----------|--|-----------|--|------------------------|--|---------------------------|--|---------------------------|--|------------------|--|-----------|--|-------------------------|--|----------------------|--|------------------------|--|
| Project Financial Structure | : | (A) Details of Project Cost | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | <table border="1"> <thead> <tr> <th>Item</th> <th>Rs. Lakhs</th> </tr> </thead> <tbody> <tr><td>Land</td><td></td></tr> <tr><td>Building</td><td></td></tr> <tr><td>Equipments</td><td></td></tr> <tr><td>Any other (Specify)</td><td></td></tr> <tr><td>Total Project Cost</td><td></td></tr> </tbody> </table> | Item | Rs. Lakhs | Land | | Building | | Equipments | | Any other (Specify) | | Total Project Cost | | | | | | | | | | | | | | | | | | | | | |
| Item | Rs. Lakhs | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Land | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Building | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Equipments | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Any other (Specify) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total Project Cost | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | (B) Proposed means of financing | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | <table border="1"> <thead> <tr> <th>Source</th> <th>Rs. Lakhs</th> </tr> </thead> <tbody> <tr><td>Private Sector</td><td></td></tr> <tr><td>State Government</td><td></td></tr> <tr><td>Sponsoring Authority</td><td></td></tr> <tr><td>Govt. of Goa (VGF)</td><td></td></tr> <tr><td>Any other (Specify)</td><td></td></tr> <tr><td>Total</td><td></td></tr> </tbody> </table> | Source | Rs. Lakhs | Private Sector | | State Government | | Sponsoring Authority | | Govt. of Goa (VGF) | | Any other (Specify) | | Total | | | | | | | | | | | | | | | | | | | |
| Source | Rs. Lakhs | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Private Sector | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| State Government | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Sponsoring Authority | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Govt. of Goa (VGF) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Any other (Specify) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| IRR Estimations (as applicable) | : | Economic IRR Project IRR Equity IRR | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Estimated Project Development Expenses | : | <table border="1"> <thead> <tr> <th>Source</th> <th>Rs. Lakhs</th> </tr> </thead> <tbody> <tr><td colspan="2"><u>Surveys and Investigations</u></td></tr> <tr><td colspan="2">Consultancy fees:</td></tr> <tr><td colspan="2"> Technical</td></tr> <tr><td colspan="2"> Environment & Social</td></tr> <tr><td colspan="2"> Legal</td></tr> <tr><td colspan="2"> Financial</td></tr> <tr><td colspan="2"> Any other</td></tr> <tr><td colspan="2">Total Consultancy Fees</td></tr> <tr><td colspan="2">Transaction Advisory Fees</td></tr> <tr><td colspan="2">Marketing and Procurement</td></tr> <tr><td colspan="2"> Related Expenses</td></tr> <tr><td colspan="2">Any other</td></tr> <tr><td colspan="2">Total Estimated Project</td></tr> <tr><td colspan="2"> Development Expenses</td></tr> <tr><td colspan="2">HPDF Contribution @75%</td></tr> </tbody> </table> | Source | Rs. Lakhs | <u>Surveys and Investigations</u> | | Consultancy fees: | | Technical | | Environment & Social | | Legal | | Financial | | Any other | | Total Consultancy Fees | | Transaction Advisory Fees | | Marketing and Procurement | | Related Expenses | | Any other | | Total Estimated Project | | Development Expenses | | HPDF Contribution @75% | |
| Source | Rs. Lakhs | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>Surveys and Investigations</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Consultancy fees: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Technical | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Environment & Social | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Legal | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Financial | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Any other | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total Consultancy Fees | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Transaction Advisory Fees | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Marketing and Procurement | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Related Expenses | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Any other | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total Estimated Project | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Development Expenses | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| HPDF Contribution @75% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Enclosures | : | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

Signatures and Name
of the Authorised signatory of the
Sponsoring Authority

Date:

Table of Contents of the Preliminary Report accompanying the MFC

1. Introduction.
2. Existing Project Scenario (including need for rehabilitation, upgradation, improvement and/or incremental investments – to bring out the need of the project).
3. Project Proposal (covering broad project concept and components, block cost estimates, revenue structures etc.) (See Annexure A).
4. Preliminary Project Assessment:
 - 4.1 Technical Feasibility.
 - 4.2 Environment and Social acceptability.
 - 4.3 Financial & Commercial viability.
 - 4.4 Legal framework.
 - 4.5 Risks (during development, construction and operation/implementation).
 - 4.6 Contractual & Implementation structures.
5. Project Development Activities:
 - 5.1 Project development cycle.
 - 5.2 Time lines.
 - 5.3 Surveys and investigations.
 - 5.4 Technical/Environmental & Social/Financial/Legal consultants, their scope of work.
 - 5.5 Transaction Advisors, their scope of work.
 - 5.6 Marketing.
 - 5.7 Procurement process.
 - 5.8 Others (Please specify).
6. Funding Requirements for Project Development:
 - 6.1 Budget for Project Development expenses.
 - 6.2 Drawdown (indicative quarterly budget and estimated milestone linked payment for each activity).
7. Plan for Recovery of Project Development Funding with Returns.
8. Recommendations.

Notification

1/24/2010/PPP Cell

Government of Goa is pleased to announce the following Scheme which is hereby published for general information of public. The Scheme shall come into force with the date of publication in the Official Gazette.

By order and in the name of the Governor of Goa.

Anupam Kishore, Additional Secretary (DMU) & Director (PPP).

Porvorim, 3rd March, 2011.

Scheme for Support to Public Private Partnership in Infrastructure— Viability Gap Funding (VGF)

(A) Whereas the Government of Goa recognizes that there is significant deficit in the availability of physical infrastructure across different sectors and that this is hindering economic development;

(B) Whereas the development of infrastructure requires large investments that cannot be undertaken out of public financing alone, and that in order to attract private capital as well as the techno-managerial efficiencies associated with it, the Government is committed to promoting Public Private Partnerships (PPPs) in infrastructure development; and

(C) Whereas the Government of Goa recognizes that infrastructure projects may not always be financially viable because of long gestation periods and limited financial returns, and that financial viability of such projects can be improved through Government support.

(D) Now, therefore, the Government of Goa has decided to put into effect the following scheme for providing financial support to bridge the viability gap of infrastructure projects undertaken through Public Private Partnerships.

1. *Short title and extent.*— (i) This scheme will be called the Scheme for Financial Support to Public Private Partnerships (PPPs) in Infrastructure. It will be a Plan Scheme to be administered by the Finance Department. Suitable budgetary provisions will be made in the Annual Plans on a year-to-year basis.

(ii) The scheme shall come into force with immediate effect.

2. *Definitions.*— In this scheme, unless the context otherwise requires:

Empowered Committee means a Committee under the Chairmanship of Secretary (Finance) and including Secretary Planning Commission, the Secretary of the line ministry dealing with

the subject, Director (Planning) and Director (PPP);

Lead Financial Institution means the financial institution (FI) that is funding the PPP project, and in case there is a consortium of FIs, the FI designated as such by the consortium;

Private Sector Company means a company in which 51% or more of the subscribed and paid up equity is owned and controlled by a private entity;

Project Term means the duration of the contract or concession agreement for the PPP project;

Public Private Partnership (PPP) Project means a project based on a contract or concession agreement, between a Government Department or statutory entity on the one side and a private sector company on the other side, for delivering an infrastructure service on payment of user charges;

Total Project Cost means the lower of the total capital cost of the PPP Project: (a) as estimated by the Government/statutory entity that owns the project, (b) as sanctioned by the Lead Financial Institution, and (c) as actually expended; but does not in any case include the cost of land incurred by the Government/ statutory entity; and

Viability Gap Funding or Grant means a grant one-time or deferred, provided under this scheme with the objective of making a project commercially viable.

3. *Eligibility.*— (1) In order to be eligible for funding under this Scheme, a PPP project shall meet the following criteria:

(a) The project shall be implemented i.e. developed, financed, constructed, maintained and operated for the Project Term by a Private Sector Company to be selected by the Government or a statutory entity through a process of open competitive bidding.

(b) The PPP Project should be from one of the following sectors:

(i) Roads and bridges, seaports, airports, inland waterways;

(ii) Power;

(iii) Urban transport, water supply, sewerage, solid waste management and other physical infrastructure in urban areas;

(iv) International convention centres and other tourism infrastructure projects; and

(v) Sports Infrastructure:

Provided that the Empowered Committee may, with approval of the Finance Minister, add or delete sectors/sub-sectors from the aforesaid list.

(c) The project should provide a service against payment of a predetermined tariff or user charge.

(d) The concerned Government Department/statutory entity should certify, with reasons:

(i) that the tariff/user charge cannot be increased to eliminate or reduce the viability gap of the PPP;

(ii) that the Project Term cannot be increased for reducing the viability gap; and

(iii) that the capital costs are reasonable and based on the standards and specifications normally applicable to such projects and that the capital costs cannot be further restricted for reducing the viability gap.

4. *Government Support.*— (1) The total Viability Gap Funding under this scheme shall not exceed twenty percent of the Total Project Cost: Provided that the Government

Department or statutory entity that owns the project may, if it so decides, provide additional grants out of its budget, but not exceeding a further twenty percent of the Total Project Cost.

(2) Viability Gap Funding under this scheme will normally be in the form of a capital grant at the stage of project construction. Proposals for any other form of assistance may be considered by the Empowered Committee and sanctioned with the approval of Finance Minister on a case-by-case basis.

(3) Viability Gap Funding up to Rs. 10 crore (Rs. Ten crore only) for each project may be sanctioned by the Empowered Institution subject to the budgetary ceilings indicated by the Finance Department. Amounts exceeding Rs. 10 crore may be sanctioned by the Empowered Committee with the approval of Finance Minister.

(4) Unless otherwise directed by the Finance Department, the Empowered Committee may approve project proposals with a cumulative capital outlay equivalent to ten times the budget provisions in the respective Annual Plan.

(5) In the first two years of operation of the scheme, projects meeting the eligibility criteria will be funded on a first-come, first served basis. In later years, if need arises, funding may be provided based on an appropriate formula, to be determined by the Empowered Committee, that balances needs across sectors in a manner that would make broad base the sectoral coverage and avoid pre-empting of funds by a few large projects.

5. *Approval of project proposals.*— (1) Project proposals may be posed by a Government Department or statutory entity which owns the underlying assets. The proposals shall include the requisite information necessary for satisfying the eligibility criteria specified in paragraph 3 above.

(2) Projects based on standardized/model documents duly approved by the PPP Cell

would be preferred. Stand-alone documents may be subjected to detailed scrutiny by the Empowered Committee.

(3) The Empowered Committee will consider the project proposals for Viability Gap Funding and may seek the required details for satisfying the eligibility criteria.

(4) Within 30 days of receipt of a project proposal, duly completed as aforesaid, the Empowered Committee shall inform the sponsoring Government Department/statutory entity whether the project is eligible for financial assistance under this scheme. In case the project is based on stand-alone documents (not being duly approved model/standard documents), the approval process may require an additional 60 (sixty) days.

(5) Notwithstanding the approvals granted under this scheme, projects promoted by the Government Department or its statutory entities shall be approved and implemented in accordance with the procedures specified from time to time.

(6) In cases where viability gap funding is budgeted under any on-going Plan scheme of the State Government, the *inter-se* allocation between such on-going scheme and this scheme shall be determined by the Empowered Committee.

6. Procurement process for PPP Projects.—

(1) The Private Sector Company shall be selected through a transparent and open competitive bidding process. The criterion for bidding shall be the amount of Viability Gap Funding required by a Private Sector Company for implementing the project where all other parameters are comparable.

(2) The Government Department or statutory entity proposing the project shall certify that the bidding process conforms to the provisions of this Scheme and convey the same to the Empowered Committee prior to disbursement of the Grant.

7. Appraisal and monitoring by Lead Financial Institution.— (1) Within four months from the date on which eligibility of the project is conveyed by the Empowered Committee to the concerned Government Department/statutory entity, the PPP project shall be awarded in accordance with paragraph 6 above: Provided that upon application made to it by the concerned Government Department/statutory entity, the Empowered Committee may extend this period by not more than two months at a time.

(2) The Lead Financial Institution shall, within three months from the date of bid award, present its appraisal of the project for the consideration and approval of the Empowered Committee: Provided that upon application made to it by the concerned Government Department/statutory entity, the Empowered Committee may extend this period by not more than one month at a time.

(3) The Lead Financial Institution shall be responsible for regular monitoring and periodic evaluation of project compliance with agreed milestones and performance levels, particularly for the purpose of disbursement of Viability Gap Funding. It shall send quarterly progress reports to the Empowered Committee.

8. Disbursement of Grant.— (1) A Grant under this scheme shall be disbursed only after the Private Sector Company has subscribed and expended the equity contribution required for the project and will be released in proportion to debt disbursements remaining to be disbursed thereafter.

(2) The Empowered Committee will release the Grant to the Lead Financial Institution as and when due, and obtain reimbursement thereof from the PPP Cell.

(3) The Empowered Committee, the Lead Financial Institution and the Private Sector Company shall enter into a Tripartite Agreement for the purposes of this scheme. The format of such Tripartite Agreement shall

be prescribed by the Empowered Committee from time to time.

9. *Corpus/Revolving Fund.*— A revolving fund of Rs. 44 crore (Rs. Forty-four crore) shall be provided by the Finance Department. The Empowered Committee shall recommend distribution of funds to the respective lead Financial Institutions, which will claim reimbursement from Finance Department.

(Debt Management) Division

Notification

2/5/2010-Fin (DMU)/413

Sub.: Extension of facilities for Motor Car Advance to State Government Employees through Bank of India.

Preamble

Motor Car Advance (MCA) to the State Government Employees is at present met from State Budget Allocation. However, due to constraint on resources, it has not been possible to provide adequate allocation to satisfy the demands of Government employees towards MCA. The State Government, therefore, negotiated with the Bank of India for advancing loans to the interested Government Employees for purchase of Motor Car. In this regard, the Bank of India has agreed for giving loans to the Government Employees for the purpose.

(1) Effective from 1st March, 2011, the advances for purchase of Motor Car to Government Employees will be disbursed by the Bank of India, upto an aggregate amount/limit of Rs. 40.00 crores (Rupees Forty crores only). The loans will be disbursed on applications by the individual Government employees to their respective Head of Department. The loan will be sanctioned by the Head of Department as per Rules of Government. The loans will be secured by hypothecation of the Motor Car duly endorsed on the Registration Certificate of the Motor Car. The State Government will hold the hypothecation in the name of the Bank of India.

(2) The rate of interest payable on MCA shall be @ 11.50% p. a. The maximum MCA admissible will be Rs. 5.00 lakhs or the cost price of the Motor Car, whichever is less. The advance for purchase of Motor Car shall be repaid in full in monthly instalments by way of salary deduction within a period not exceeding 200 equal monthly instalments. The recovery of the advance will commence from the month succeeding the month of disbursement of loan by the Bank.

(3) Subject to the above, the advances will be regulated by the MCA Rules.

(4) Detailed procedure regarding forwarding of application and sanction of loan, etc. is given in the order.

By order and in the name of the Governor of Goa.

Anupam Kishore, Additional Secretary (DMU).

Porvorim, 16th March, 2011.

—◆◆—
Goa Legislature Secretariat

LA/LEGN/2011/4395

The following bill which was introduced in the Legislative Assembly of the State of Goa on 21st March, 2011 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Appropriation (Vote on Account) Bill, 2011

(Bill No. 5 of 2011)

A

BILL

to provide for the withdrawal of certain further sums from and out of the Consolidated Fund of the State of Goa for the services and purposes of the financial year 2011-12.

Be it enacted by the Legislative Assembly of Goa in the Sixty-second Year of the Republic of India, as follows:—

1. *Short title.*— This Act may be called the Goa Appropriation (Vote on Account) Act, 2011.

2. *Withdrawal of Rs. 1337,03,27,000/- from and out of the Consolidated Fund of the State of Goa for the financial year 2011-12.*— From and out of the Consolidated Fund of the State of Goa, there may be paid and applied sums not exceeding those specified in column (5) of the Schedule to this Act amounting in the aggregate to the sums of one thousand three hundred thirty-seven crores three lakhs and twenty-seven thousand rupees towards defraying the several charges which will come in the course of payment during the financial year 2011-12 in respect of the services and purposes specified in column (2) of the said Schedule.

3. *Appropriation.*— The sums authorised to be paid from and out of the Consolidated Fund of the State of Goa under this Act, shall be appropriated for the services and purposes expressed in the Schedule to this Act in relation to the said financial year.

SCHEDULE

(See sections 2 and 3)

(Rs. in lakhs)

| Demand No. | Services and purposes | Sums not exceeding | | |
|------------|---|--------------------|--|----------|
| | | Voted by Assembly | Charged on the Consolidated Fund of the State of Goa | Total |
| (1) | (2) | (3) | (4) | (5) |
| 01 | Legislature Secretariat | 238.00 | 12.00 | 250.00 |
| A1 | Raj Bhavan (<i>Charged</i>) | — | 71.00 | 71.00 |
| 02 | General Administration and Co-ordination | 1009.17 | — | 1009.17 |
| 03 | District and Sessions Court, North Goa | 203.50 | — | 203.50 |
| 04 | District and Sessions Court, South Goa | 190.17 | — | 190.17 |
| 05 | Prosecution | 58.33 | — | 58.33 |
| 06 | Election Office | 50.00 | — | 50.00 |
| 07 | Settlement and Land Records | 195.33 | — | 195.33 |
| 08 | Treasury and Accounts Administration, North Goa | 8904.17 | — | 8904.17 |
| 09 | Treasury and Accounts Administration, South Goa | 49.50 | — | 49.50 |
| A2 | Debt Services (<i>Charged</i>) | — | 17997.83 | 17997.83 |
| 10 | Notary Services | 102.33 | — | 102.33 |

| (1) | (2) | (3) | (4) | (5) |
|-----|-------------------------------|----------|-------|----------|
| 11 | Excise | 166.67 | — | 166.67 |
| 12 | Commercial Taxes | 383.67 | — | 383.67 |
| 13 | Transport | 2514.33 | — | 2514.33 |
| A3 | Goa Public Service | | | |
| | Commission (<i>Charged</i>) | — | 30.17 | 30.17 |
| 14 | Goa Sadan | 60.83 | — | 60.83 |
| 15 | Collectorate, North Goa | 441.67 | — | 441.67 |
| 16 | Collectorate, South Goa | 687.50 | — | 687.50 |
| 17 | Police | 3718.33 | — | 3718.33 |
| 18 | Jails | 253.00 | — | 253.00 |
| 19 | Industries, Trade and | | | |
| | Commerce | 530.54 | — | 530.54 |
| 20 | Printing and Stationery | 159.17 | — | 159.17 |
| 21 | Public Works | 15207.62 | — | 15207.62 |
| 22 | Vigilance | 15.83 | — | 15.83 |
| 23 | Home | 55.00 | — | 55.00 |
| 25 | Home Guards and Civil | | | |
| | Defence | 135.00 | — | 135.00 |
| 26 | Fire and Emergency | | | |
| | Services | 381.28 | — | 381.28 |
| 27 | Official Language | 35.33 | — | 35.33 |
| 28 | Administrative Tribunal | 17.50 | — | 17.50 |
| 29 | Public Grievances | 4.17 | — | 4.17 |
| 30 | Small Savings & Lotteries | 276.67 | — | 276.67 |
| 31 | Panchayats | 1728.83 | — | 1728.83 |
| 32 | Finance | 3633.33 | — | 3633.33 |
| 33 | Revenue | 111.67 | — | 111.67 |
| 34 | School Education | 12310.17 | — | 12310.17 |
| 35 | Higher Education | 2285.83 | — | 2285.83 |
| 36 | Technical Education | 378.83 | — | 378.83 |
| 37 | Government Polytechnic, | | | |
| | Panaji | 159.67 | — | 159.67 |
| 38 | Government Polytechnic, | | | |
| | Bicholim | 116.17 | — | 116.17 |
| 39 | Government Polytechnic, | | | |
| | Curchorem | 54.00 | — | 54.00 |
| 40 | Goa College of Engineering | 557.17 | — | 557.17 |
| 41 | Goa Architecture College | 122.83 | — | 122.83 |
| 42 | Sports & Youth Affairs | 1364.17 | — | 1364.17 |
| 43 | Art and Culture | 2999.90 | — | 2999.90 |
| 44 | Goa College of Art | 62.50 | — | 62.50 |
| 45 | Archives and Archaeology | 345.83 | — | 345.83 |
| 46 | Museum | 31.67 | — | 31.67 |
| 47 | Goa Medical College | 2833.33 | — | 2833.33 |
| 48 | Health Services | 2930.67 | — | 2930.67 |
| 49 | Institute of Psychiatry | | | |
| | and Human Behaviour | 233.33 | — | 233.33 |
| 50 | Goa College of Pharmacy | 165.83 | — | 165.83 |
| 51 | Goa Dental College | 328.33 | — | 328.33 |
| 52 | Labour | 778.33 | — | 778.33 |
| 53 | Food and Drugs | | | |
| | Administration | 128.83 | — | 128.83 |
| 54 | Town and Country Planning | 181.83 | — | 181.83 |
| 55 | Municipal Administration | 2165.00 | — | 2165.00 |

| (1) | (2) | (3) | (4) | (5) |
|-------|---|-----------|----------|-----------|
| 56 | Information and Publicity | 264.50 | — | 264.50 |
| 57 | Social Welfare | 3671.00 | — | 3671.00 |
| 58 | Women and Child Development | 999.58 | — | 999.58 |
| 59 | Factories and Boilers | 48.33 | — | 48.33 |
| 60 | Employment | 857.17 | — | 857.17 |
| 61 | Craftsmen Training | 735.67 | — | 735.67 |
| 62 | Law | 325.00 | — | 325.00 |
| 63 | Rajya Sainik Board | 59.17 | — | 59.17 |
| 64 | Agriculture | 1617.42 | — | 1617.42 |
| 65 | Animal Husbandry and Veterinary Services | 804.00 | — | 804.00 |
| 66 | Fisheries | 610.04 | — | 610.04 |
| 67 | Ports Administration | 343.33 | — | 343.33 |
| 68 | Forests | 621.83 | — | 621.83 |
| 70 | Civil Supplies | 1034.83 | — | 1034.83 |
| 71 | Co-operation | 412.17 | — | 412.17 |
| 72 | Science, Technology and Environment | 176.17 | — | 176.17 |
| 73 | State Election Commission | 41.33 | — | 41.33 |
| 74 | Water Resources | 5460.17 | — | 5460.17 |
| 75 | Planning, Statistics and Evaluation | 313.61 | — | 313.61 |
| 76 | Electricity | 19966.67 | — | 19966.67 |
| 77 | River Navigation | 400.11 | — | 400.11 |
| 78 | Tourism | 1499.83 | — | 1499.83 |
| 79 | Goa Gazetteer | 6.50 | — | 6.50 |
| 80 | Legal Metrology | 66.50 | — | 66.50 |
| 81 | Department of Tribal Welfare | 416.67 | — | 416.67 |
| 82 | Information Technology | 954.67 | — | 954.67 |
| 83 | Mines | 1833.33 | — | 1833.33 |
| TOTAL | | 115592.27 | 18111.00 | 133703.27 |

Statement of Objects and Reasons

This Bill is introduced in pursuance of Article 206 (1) of the Constitution of India to provide for the appropriation out of the Consolidated Fund of the State of Goa, of the moneys required to meet the expenditure charged on the Consolidated Fund of the State of Goa and the grants made in advance by the Goa Legislative Assembly in respect of the estimated expenditure of the Government of Goa for two months i.e. April to May, 2011.

Porvorim, Goa.
21st March, 2011.

SHRI DIGAMBAR KAMAT
Finance Minister/Chief Minister

Assembly Hall,
Porvorim, Goa.
21st March, 2011.

N. B. SUBHEDAR
for Secretary to the Legislative Assembly of Goa.

Governor's Recommendation under Article 207 of the Constitution of India

In pursuance of Article 207 of the Constitution of India, I, Dr. S. S. Sidhu, Governor of Goa, hereby recommend the introduction and consideration of the Goa Appropriation (Vote on Account) Bill, 2011, by the Legislative Assembly of Goa.

Department of Law & Judiciary

Legal Affairs Division

Notification

10/1/2009-LA/34

The Jharkhand Contingency Fund (Amendment) Act, 2009 (Central Act No. 37 of 2009), which has been passed by Parliament and assented to by the President of India on 22-12-2009 and published in the Gazette of India, Extraordinary, Part II, Section I dated 23-12-2009, is hereby published for general information of public.

Julio Barbosa Noronha, Under Secretary (Law).

Porvorim, 11th March, 2011.

THE JHARKHAND CONTINGENCY FUND
(AMENDMENT) ACT, 2009

AN

ACT

to amend the Jharkhand Contingency Fund Act, 2001.

Be it enacted by Parliament in the Sixtieth Year of the Republic of India as follows.—

1. *Short title and commencement.*— (1) This Act may be called the Jharkhand Contingency Fund (Amendment) Act, 2009.

(2) It shall be deemed to have come into force on the 20th day of October, 2009.

2. *Amendment of section 4 of Jharkhand Act 9 of 2001.*— In section 4 of the Jharkhand Contingency Fund Act, 2001 (hereinafter referred to as the principal Act), the following proviso shall be inserted, namely:—

'Provided that during the period beginning on the date of commencement of

the Jharkhand Contingency Fund (Amendment) Act, 2009 and ending on the 31st day of March, 2010, this section shall have effect subject to the modification that for the words "one hundred and fifty crore rupees", the words "five hundred crore rupees" shall be substituted.'

3. *Repeal and saving.*— (1) The Jharkhand Contingency Fund (Amendment) Ordinance, 2009 is Ord. 7 of 2009. hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

Notification

10/1/2009-LA/43

The National Rural Employment Guarantee (Amendment) Act, 2009 (Central Act No. 46 of 2009), which has been passed by Parliament and assented to by the President of India on 31-12-2009 and published in the Gazette of India, Extraordinary, Part II, Section I dated 31-12-2009, is hereby published for general information of public.

Julio Barbosa Noronha, Under Secretary (Law).

Porvorim, 11th March, 2011.

THE NATIONAL RURAL EMPLOYMENT
GUARANTEE (AMENDMENT) ACT, 2009

AN

ACT

to amend the National Rural Employment Guarantee Act, 2005.

Be it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the National Rural Employment Guarantee (Amendment) Act, 2009.

(2) It shall be deemed to have come into force on the 2nd day of October, 2009.

2. *Amendment of section 1.*— In the National Rural Employment Guarantee Act, 2005, in sub-section 42 of 2005. (1) of section 1, for the words “the National Rural Employment Guarantee Act”, the words “the Mahatma Gandhi National Rural Employment Guarantee Act” shall be substituted.

Notification

10/1/2009-LA/33

The Essential Commodities (Amendment and Validation) Act, 2009 (Central Act No. 36 of 2009), which has been passed by Parliament and assented to by the President of India on 22-12-2009 and published in the Gazette of India, Extraordinary, Part II, Section I dated 22-12-2009 is hereby published for general information of public.

Julio Barbosa Noronha, Under Secretary (Law).

Porvorim, 11th March, 2011.

THE ESSENTIAL COMMODITIES (AMENDMENT AND VALIDATION) ACT, 2009

AN

ACT

further to amend the Essential Commodities Act, 1955 and to make provisions for

validation of certain orders issued by the Central Government determining the price of levy sugar and actions taken under those orders and for matters connected therewith.

Whereas a Bench of three Judges of the Hon'ble Supreme Court in the case of *Modi Industries Ltd. and Another versus Union of India and Others* on the 20th February, 1996 reported in (1999) 9 SCC 245, accepted the statement made on behalf of the Union of India that while determining the minimum cane price of levy sugar, regard had been given only to the minimum cane price referred to in section 3(3C) of the Essential Commodities Act, 1955 and that the additional cane price payable under clause 5A of the Sugarcane (Control) Order, 1966 had not been taken into account and held that the case was not covered by the decision of the Supreme Court dated 22-9-1993 in *Shri Malaprabha Co-op. Sugar Factory Ltd. versus Union of India* [(1994) 1 SCC 648 *Malaprabha (1)*];

And whereas subsequently the decision of a Bench of three Judges of the Supreme Court dated 28-1-1997 in the case of *Shri Malaprabha Co-op. Sugar Factory Ltd. versus Union of India (Malaprabha 2)* (1997) 10 SCC 216 held that the decision in *Modi Industries'* case did not have any bearing on the fixation of price of levy sugar for the year 1975-1976 to 1979-1980.

And whereas the decision of the Bench of three Judges in *Modi Industries Ltd. and Another versus Union of India and Others* was followed in the case of *Bharat Sugar Mills Ltd. and another versus Union of India* (decided on 19th August, 1998) after noticing the judgements in *Shri Malaprabha Co-op. Sugar Factory Ltd. (Malaprabha 1)* and *Shri Malaprabha Co-op. Sugar Factory Ltd. [(Malaprabha 2)]*;

And whereas in the case of *Union of India and Others versus Triveni Engineering Works Ltd.* (1999) 9 SCC 244, by judgment dated 2-2-1999, the appeal of the Union of India was

allowed relying upon the decision in Modi Industries Ltd. and the decision of the Bench of two Judges of the Supreme Court in Bharat Sugar Mills Ltd.;

And whereas in Shri Malaprabha Co-op. Sugar Factory Ltd. *Versus* Union of India, [(2002) 9 SCC 716] (Malaprabha 3) Contempt Petitions filed against the Union of India for alleged non-compliance with the decision in Malaprabha 1 and Malaprabha 2, were dismissed by order dated 16-11-2000 and the working statement given before the Hon'ble Court showed that the retention of fifty per cent. being a factor which can be taken into consideration in determining element (d) in section 3(3C) of the Essential Commodities Act was taken into account, not to the extent as desired by the petitioners, but the result of this was that the levy price fixed at Rs. 163.780 in respect of West U. P. had gone up to Rs. 172.430, the Hon'ble Supreme Court held that "the said fixation is in accordance with law and the directions given by this Court have been complied with. Neither a case for contempt has been made out nor is there any justification, in our opinion, for giving any direction to the Government to refix the levy price under section 3(3C) of the Essential Commodities Act.";

And whereas notwithstanding the judgment in the Modi Industries case, the Bharat Sugar Mills case, and the Triveni Engineering Works Ltd. case and the judgment of a Bench of three Judges of the Hon'ble Supreme Court in Shri Malaprabha Co-op. Sugar Factory Ltd. (Malaprabha 3), a Bench of two Judges of the Hon'ble Supreme Court in Mahalakshmi Sugar Mills Co-op. Ltd. and Anr. *versus* Union of India and Others (2008) 6 SCALE 275, in a judgment dated 31st March, 2008, in relation to sugar seasons 1983-1984 and 1984-1985, held that the actual price payable to cane growers was absolutely relevant for determining the price of levy sugar;

And whereas there are thus conflicting decisions as to the factors to be taken into

consideration in determining the price of levy sugar;

And whereas it has become necessary to make suitable amendments to the Essential Commodities Act, 1955 to clarify and reiterate the underlying principles and the factors that needed to be taken into consideration in determining the price of levy sugar and to give effect accordingly; 10 of 1955.

And whereas in order to remove doubts and ambiguities it has become necessary to make such provisions with retrospective effect to validate the determination of the price of levy sugar by the Central Government from time to time pursuant to the provisions of the Essential Commodities Act, 1955. 10 of 1955.

Be it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Essential Commodities (Amendment and Validation) Act, 2009.

(2) It shall be deemed to have come into force on the 21st day of October, 2009.

2. *Amendment of section 3.*— In section 3 of the Essential Commodities Act, 1955 (hereinafter referred to as the principal Act)— 10 of 1955.

(a) in sub-section (3C), the existing *Explanation* shall be numbered as *Explanation I*, and after *Explanation I* as so numbered, the following *Explanation* shall be inserted and shall be deemed to have been inserted, with effect from the 1st day of October, 1974, namely:—

'Explanation II.— For the removal of doubts, it is hereby declared that the expressions "minimum price" referred to in clause (a), "manufacturing cost of

sugar" referred to in clause (b) and "reasonable return on the capital employed" referred to in clause (d) exclude the additional price of sugarcane paid or payable under clause 5A of the Sugarcane (Control) Order, 1966 and any price paid or payable under any order or enactment of any State Government and any price agreed to between the producer and the grower of sugarcane or a sugarcane growers' co-operative society.';

(b) for sub-section (3C) and the *Explanations* thereunder, the following shall be substituted, and shall be deemed to have been substituted, on and from the 1st day of October, 2009, namely:—

'(3C) Where any producer is required by an order made with reference to clause (f) of sub-section (2) to sell any kind of sugar (whether to the Central Government or to a State Government or to an officer or agent of such Government or to any other person or class of persons) whether a notification was issued under sub-section (3A) or otherwise, then, notwithstanding anything contained in sub-section (3), there shall be paid to that producer only such amount as the Central Government may, by order, determine, having regard to—

(a) the fair and remunerative price, if any, determined by the Central Government as the price of sugarcane to be taken into account under this section;

(b) the manufacturing cost of sugar;

(c) the duty or tax, if any, paid or payable thereon; and

(d) a reasonable return on the capital employed in the business of manufacturing of sugar:

Provided that the Central Government may determine different prices, from time to time, for different areas or factories or varieties of sugar:

Provided further that where any provisional determination of price of levy sugar has been done in respect of sugar produced up to the sugar season 2008-2009, the final determination of price may be undertaken in accordance with the provisions of this sub-section as it stood immediately before the 1st day of October, 2009.

Explanation.— For the purposes of this sub-section,—

(a) "fair and remunerative price" means the price of sugarcane determined by the Central Government under this section;

(b) "manufacturing cost of sugar" means the net cost incurred on conversion of sugarcane into sugar including net cost of transportation of sugarcane from the purchase centre to the factory gate, to the extent it is borne by the producer;

(c) "producer" means a person carrying on the business of manufacturing sugar;

(d) "reasonable return on the capital employed" means the return on net fixed assets plus working capital of a producer in relation to manufacturing of sugar including procurement of sugarcane at a fair and remunerative price determined under this section.'.

3. *Validation of action taken, etc., under specified orders issued under sub-section (3C) of section 3 of the principal Act.*— (1) Notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority—

(a) all things done or all actions taken by the Central Government under the specific orders shall be deemed to be and deemed to have always been done or taken in accordance with law;

(b) no suit, claim or other proceedings shall be instituted, maintained or continued in any court, tribunal or other authority for the payment or adjustment of any payment in relation to the determination of price of levy sugar under any specified order;

(c) no court shall enforce any decree or order directing any payment in relation to the determination of price of levy sugar under any specified order;

(d) no claim or challenge shall be made in, or entertained by any Court, tribunal or other authority on the ground that the Central Government did not take into consideration any of the factors specified in sub-section (3C) of section 3 of the principal Act in the determination of price of levy sugar under any specified order.

(2) In this section, “specified order” means any order relating to the determination of price of sugar issued under sub-section (3C) of section 3 of the principal Act before the 21st day of October, 2009, in relation to sugar produced in any sugar season up to and including the sugar season 2008-2009.

4. *Repeal and saving.*— (1) The Essential Commodities (Amendment and Validation) Ordinance, 2009, is hereby repealed.

Ord. 9 of
2009.

(2) Notwithstanding the Repeal of the Essential Commodities (Amendment and Validation) Ordinance, 2009, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall, subject to the provisions contained in sub-section (3), be deemed to have been done or taken under the principal Act, as amended by this Act.

Ord. 9 of
2009.

(3) Nothing contained in sub-section (2) shall apply to clause 3B of the Sugarcane (Control) Order, 1966, as inserted by the Government of India in the Ministry of Consumer Affairs, Food and Public

Distribution Order number S. O. 266(E)/Ess./Com./Sugarcane dated the 22nd October, 2009 or anything done or any action taken thereunder.

Notification

10/1/2009-LA/36

The Competition (Amendment) Act, 2009 (Central Act No. 39 of 2009), which has been passed by Parliament and assented to by the President of India on 22-12-2009 and published in the Gazette of India, Extraordinary, Part II, Section I dated 23-12-2009, is hereby published for general information of public.

Julio Barbosa Noronha, Under Secretary (Law).

Porvorim, 11th March, 2011.

THE COMPETITION (AMENDMENT) ACT, 2009

AN

ACT

further to amend the Competition Act, 2002.

Be it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Competition (Amendment) Act, 2009.

(2) It shall be deemed to have come into force on the 14th day of October, 2009.

2. *Amendment of section 66 of Act 12 of 2003.*— In section 66 of the Competition Act, 2002,—

(a) in sub-section (1), the proviso and the *Explanation* thereto shall be omitted;

(b) in sub-section (3),—

(i) for the words, brackets and figure “after the expiry of two years referred

to in the proviso to sub-section (1)", the words, brackets and figures "on the commencement of the Competition (Amendment) Act, 2009" shall be substituted;

(ii) the following *Explanation* shall be inserted, namely:—

"Explanation.— For the removal of doubts, it is hereby declared that all cases referred to in this sub-section, sub-section (4) and sub-section (5) shall be deemed to include all applications made for the losses or damages under section 12B of the Monopolies and Restrictive Trade Practices Act, 1969 as it stood before its ^{54 of 1969.} repeal;

(c) in sub-section (4),—

(i) for the words, brackets and figure "on or before the expiry of two years referred to in the proviso to sub-section (1)", the words, brackets and figures "immediately before the commencement of the Competition (Amendment) Act, 2009, shall, on such commencement" shall be substituted;

(ii) after the proviso, the following proviso shall be inserted, namely:—

"Provided further that all the cases relating to the unfair trade practices pending, before the National Commission under this sub-section, on or before the date on which the Competition (Amendment) Bill, 2009 receives the assent of the President, shall, on and from that date, stand transferred to the Appellate Tribunal and be adjudicated by the Appellate Tribunal in accordance with the provisions of the repealed Act as if that Act had not been repealed.";

(d) in sub-section (5), for the words, brackets and figure "after the expiry of two

years referred to in the proviso to sub-section (1)", the words, brackets and figures "on the commencement of the Competition (Amendment) Act, 2009" shall be substituted;

(e) in sub-section (7), the following proviso shall be inserted, namely:—

"Provided that all investigations or proceedings, relating to unfair trade practices pending before the National Commission, on or before the date on which the Competition (Amendment) Bill, 2009 receives the assent of the President shall, on and from that date, stand transferred to the Appellate Tribunal and the Appellate Tribunal may conduct or order for conduct of such investigation or proceedings in the manner as it deems fit."

3. *Repeal and savings.*— (1) The Competition (Amendment) Ordinance, ^{Ord. 6 of} 2009 is hereby repealed. ^{2009.}

(2) Notwithstanding such repeal, anything done or any action taken under the Competition Act, 2002, as ^{12 of 2003.} amended by the said Ordinance, shall be deemed to have been done or taken under the said Act as amended by this Act.



Department of Personnel

Notification

1/6/74-PER (Vol. IV)

Read: Government Notification No.1/6/74-PER dated 10-02-2011, published in the Official Gazette, Series I No. 46 dated 10-02-2011.

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of

India, read with section 21 of the General Clauses Act, 1897 (Central Act 10 of 1897), the Governor of Goa hereby amends the Government of Goa, Directorate of Industries, Trade and Commerce, Group 'C' and Group 'D' Non-Gazetted, Non-Ministerial posts, Recruitment Rules, 2011, published in the Official Gazette, Series I No. 46 dated 10-02-2011, vide Notification No. 1/6/74-PER (Vol. IV) dated 10-02-2011 (hereinafter called as the "said Recruitment Rules"), as follows, namely:—

In the Schedule appended to the said Rules, in column (7), for the figures "18-25", wherever they occur the figures "18-30" shall be substituted.

By order and in the name of the Governor of Goa.

Yetindra M. Maralkar, Joint Secretary (Personnel).

Porvorim, 16th March, 2011.

Notification

1/15/85-PER

Read: Government Notification No.1/15/85-PER dated 10-02-2011, published in the Official Gazette, Series I No. 46 dated 10-02-2011.

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, read with section 21 of the General Clauses Act, 1897 (Central Act 10 of 1897), the Governor of Goa hereby amends the Government of Goa, Directorate of Tourism, Group 'C' and Group 'D', Non-Gazetted, Non-Ministerial posts, Recruitment Rules, 2011, published in the Official Gazette, Series I No. 46 dated 10-02-2011, vide Notification No. 1/15/85-PER dated 10-02-2011 (hereinafter called as the "said Recruitment Rules"), as follows, namely:—

In the Schedule appended to the said Recruitment Rules, in column (7), for the

figures "18-25", wherever they occur the figures "18-30" shall be substituted.

By order and in the name of the Governor of Goa.

Yetindra M. Maralkar, Joint Secretary (Personnel).

Porvorim, 16th March, 2011.



Department of Revenue

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Notification

19-1-2010/RD(1426115)

In exercise of the powers conferred by clause (a) of sub-section (1) of section 48 of the Disaster Management Act, 2005 (Central Act 53 of 2005) (hereinafter called as the "Said Act"), the Government of Goa hereby establishes the State Disaster Response Fund, for the purposes of the said Act.

By order and in the name of the Governor of Goa.

Pandharinath N. Naik, Under Secretary (Revenue-II).

Porvorim, 14th March, 2011.



Notification

22/21/2008-RD

The Collectors are requested to comply with the instructions contained in the para (vi) of Circular No. 22/17/2001-RD(LA) dated 7-4-2003, because Government have approved the land value vide Order No. 28/1/97-RD(4231) dated 9-1-2009 and same has been published and notified in the Official Gazette Series I No. 45 dated 5-2-2009.

In this connection, Government have amended Order No. 28/1/97-RD(4231) dated 9-1-2009 by approving the deletion of Note (a) & (b). Consequently para (vi) of Circular No. 22/17/2001-RD(LA) dated 7-4-2003 shall be applied to tenanted land also.

The above instructions shall be uniformly adhered to by all the Land Acquisition Collectors and shall be implemented with immediate effect in all Land Acquisition cases where awards under section 12 of Land Acquisition Act, 1894 have not been passed as on date.

By order and in the name of the Governor of Goa.

Pandharinath N. Naik, Under Secretary (Revenue).

Porvorim, 18th March, 2011.



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